



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Street Closing Report

Meeting Date: March 5, 2012

| | | | |
|----------------|--|----------------|---------------|
| Reference Name | Street Closing – 540 linear feet of Dominion Street (SC1100003) | Jurisdiction | City |
| Request | To conduct a public hearing to consider the permanent closing of 540 linear feet of Dominion Street. | | |
| Applicant | Ample Storage – Bailey Bridge Road | Submittal Date | July 18, 2011 |
| Location | Southern terminus of Dominion Street south of Davidson Avenue and north of Ellerbe Creek. | | |
| Recommendation | Approve permanent closing of the public right-of-way. | | |

A. Summary

This is a request to permanently close a 540 linear foot segment, that being the southern terminus of Dominion Street, south of Davidson Avenue and north of Ellerbe Creek (see Attachment 1, Context Map). The subject right-of-way is currently unopened and has not been accepted for maintenance by the City of Durham (see Attachment 2, Aerial Map). The closing will accommodate access to the adjacent lots as reflected on the plat (see Attachment 4, Final Plat Reduction). The property to the west (owned by Donald Yarboro, PIN 0832-11-56-4113), will receive the western half of the existing right-of-way and the eastern half will be recombined with the parcel to the south (owned by City of Durham, PIN 0832-11-66-5460). The existing cul-de-sac bulb, offset to the east, will be recombined with the property to the east (owned by the applicant, Ample Storage – Bailey Bridge Road, PIN 0832-44-66-0612).

No adverse impacts have been identified with the proposed street closing.

B. Site History

Dominion Street was initially platted in 1946 as a 25 foot right-of-way. By 1989 the northern portion of Dominion Street was widened to 50 feet by deed but isn't reflected on a plat until 1995, the same year the southern segment was widened to 50 feet. A cul-de-sac at the southern terminus, just north of the City of Durham sanitary sewer easement, was dedicated in 1999. Although dedications have been made, the subject right-of-way has never been improved.

C. Area Characteristics

The area surrounding the right-of-way is zoned Industrial Light (IL); all in the Urban Tier. The area is developed with a variety of uses including well-established single-family neighborhood north of East Club Boulevard and industrial and undeveloped uses generally south of East Club Boulevard. Ellerbe Creek and associated floodplain is located south of the subject property.

| Adjacent Land Uses and Zoning | | | |
|-------------------------------|--------------------|------------------|-------------------|
| | Uses | Zoning Districts | Overlay Districts |
| East | Vacant | IL | F/J-B |
| South | Vacant | IL | F/J-B |
| West | Commercial storage | IL | F/J-B |

D. Statutory Requirements

North Carolina Statute 160A-299 requires that the Governing Body make two findings prior to closing any street or alley. These are:

- 1) Closing the street or alley is not contrary to the public interest; and
- 2) No individual owning property in the vicinity of the street or alley or in which it is located would be deprived of reasonable means of ingress or egress to that property.

E. Code Requirements

Section 13.5.1 Access, of the Unified Development Ordinance requires that every buildable lot have access to a public or private street that is designed, constructed and maintained to the appropriate standards.

F. Service Impacts

This request was submitted to service agencies for review and comment. Their comments are shown below:

| Service Agency Comments | | |
|-----------------------------|--|-------------------|
| Service Agency | Comments | How Addressed |
| NCDOT | No impact | n/a |
| County - Engineering | No response | n/a |
| County - Fire Marshall | No impact | n/a |
| Durham County Sherriff | No impact | n/a |
| Emergency Medical Services | No impact | n/a |
| 911 | No response | n/a |
| Durham Public Schools | No impact | n/a |
| City - Transportation | No impact | n/a |
| City - Engineering | <ul style="list-style-type: none"> • Dedicate easement and show building setbacks for existing storm drain • Provide permanent cul-de-sac for new terminus | Easement provided |
| City - Fire Department | No impact | n/a |
| City – Parks and Recreation | No impact | n/a |
| City – Solid Waste | No impact | n/a |
| City – Inspections | No impact | n/a |
| City – General Services | No impact | n/a |
| City – Public Works | No response | n/a |

| Service Agency Comments | | |
|-------------------------|-------------|-----|
| Police Department | No response | n/a |
| Duke Energy | No impact | n/a |
| PSNC | No impact | n/a |
| Frontier | No impact | n/a |
| USPS Postmaster | No response | n/a |

G. Staff Analysis

The area adjacent to the right-of-way is zoned IL and in the Urban Tier.

The proposed street closing plat (Attachment 4, Final Plat Reduction) indicates the western half of the right-of-way to be recombined with the parcel to the west (PIN 0832-11-56-4113) and the eastern portion will be recombined with the portion to the south to provide for access to that parcel (PIN 0832-11-66-5460). The existing cul-de sac will be recombined with the adjacent parcel to the east (PIN 0832-11-66-0612). A new cul-de-sac is being dedicated for the new terminus of Dominion Street. The plat also shows dedication of two easements as requested upon agency review (see table above, Section F).

The plat associated with this request (Attachment 4, Final Plat Reduction) shows two other street closing requests, Davidson Avenue (SC1100002) and Linbergh Street (SC1100004) that will be considered separately.

H. Recommendation

Approve the permanent closing of 540 linear feet of public right-of-way.

I. Staff Contact

Amy Wolff, Senior Planner, 560-4137 ext. 28235 amy.wolff@durhamnc.gov.

J. Attachments

1. Context Map
2. Aerial Map
3. Final Plat Reduction
4. Street Closing Order